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THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fiftieth year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 49/62 D of 14 December 1994 on the question of Palestine.

2. On 1 September 1995, the Secretary-General, pursuant to the request contained in paragraph 8 of that resolution, addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 49/62 D, which the General Assembly adopted on 14 December 1994, at its forty-ninth session, under the agenda item 'Question of Palestine'.
>
> "Paragraph 8 of the resolution requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would be so kind as to convey to me the views of the Security Council by 29 September 1995."

3. On 25 September 1995, the following reply was received from the Security Council:

> "The Security Council continues to be determined to provide the necessary backing to the Middle East peace process, giving full support to its achievement, including the Declaration of Principles of 13 September 1993, as well as the subsequent implementation Agreements.

"The Council believes that the parties should be further encouraged to adhere to and fully implement the provisions of the Agreements reached."

4. In a note verbale dated 31 August 1995 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization (PLO), regarding any steps taken by them to implement the relevant provisions of the resolution. As at 18 October 1995, the following replies had been received.

Note verbale dated 11 September 1995 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

"The Permanent Representative of Israel wishes to recall that Israel voted against resolution 49/62 D. Its position remains unchanged. Israel has long advocated direct negotiations without preconditions, freely agreed upon by all parties concerned as the only framework to advance peace in the Middle East.

"The peace process begun at Madrid is based upon this principle. Within the framework of the peace process, Israel and the PLO signed the Declaration of Principles on 13 September 1993 (A/48/486-S/26560, annex), the subsequent Agreement on the Gaza Strip and the Jericho area on 4 May 1994 (A/49/180-S/1994/727, annex) and the Agreement on Preparatory Transfer of Powers and Responsibility on 25 August 1994. Additionally, Israel and Jordan signed a treaty of peace on 26 October 1994 (A/50/73-S/1995/83). Furthermore, bilateral and multilateral negotiations between Israel and its neighbours continue, and Israel looks forward to progress on all tracks of the peace process.

"Resolution 49/62 D stands in direct contradiction to the above-mentioned principle, which is the agreed basis of the ongoing peace process. Moreover, paragraph 5 of the resolution is intended to predetermine the outcome of the final status talks agreed upon by Israel and the PLO in the Declaration of Principles, as well as the results of the negotiations on the other tracks. This attempt is contrary to any notion of genuine negotiations."

Note verbale dated 16 October 1995 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"The Permanent Observer of Palestine to the United Nations seeks to convey the position of the Palestinian leadership of the Palestine Liberation Organization and the Palestinian National Authority on this matter.

"The sponsors of General Assembly resolution 49/62 D, while retaining essential principles, introduced important changes to accommodate the positions of some Member States. As a result, the resolution received overwhelming support from Members of the Assembly. The resolution provides support for the peace process and a more active and expanded role for the United Nations in this process. It also provides the basis for the just

settlement of the question of Palestine by the end of the process. As such, the resolution should serve as an acceptable basis for all parties to work on these important issues.

"In paragraph 2 of resolution 49/62 D, the General Assembly expressed its support for the ongoing peace process, which began in Madrid, and the Declaration of Principles on Interim Self-Government Arrangements (A/48/486-S/26560, annex), as well as subsequent implementation agreements, and expressed the hope that the process would lead to the establishment of a comprehensive, just and lasting peace in the Middle East.

"Since that resolution, further positive developments on the Palestinian-Israeli track of the peace process have taken place, in particular the signing, on 28 September 1995 in Washington, D.C., of the second implementation agreement of the Declaration of Principles, namely, the Interim Agreement on the West Bank and Gaza Strip, which provides, inter alia, for the extension of the self-government arrangements to the rest of the West Bank and the holding of general and democratic Palestinian elections.

"During the past year there have been various delays in the implementation of the Declaration of Principles and there has also been some lack of compliance with the provisions of the agreement reached. The two sides, however, have recently indicated their firm commitment to implementing the interim agreement of 28 September 1995 in good faith, fully and according to the agreed timetable. They also reaffirmed their intention to enter into the final status negotiations according to the relevant provisions of the Declaration of Principles.

"While in the seventh preambular paragraph of resolution 49/62 D the General Assembly affirmed the illegality of the Israeli settlements in the territory occupied since 1967 and of Israeli actions aimed at changing the status of Jerusalem, in paragraphs 4 and 5, it stressed the need for the realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the withdrawal of Israel from the Palestinian territory occupied since 1967 and also stressed the need for resolving the problem of the Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948.

"The Palestine side strongly believes that the international community and the General Assembly should always uphold the principles of the Charter of the United Nations, international law, international humanitarian law and the validity of Security Council resolutions. As such, the General Assembly has to uphold its positions related to the inalienable rights of the Palestinian people, and it should maintain its positions related to the elements of the final settlement (final status issues), where Israel has already created illegal, de facto situations, until negotiations on those issues take place and conclude in the second stage of the peace process and the final settlement is effectively achieved.

"In paragraph 7 of the same resolution the General Assembly emphasized the importance for the United Nations to play a more active and expanded

role in the current peace process and in the implementation of the Declaration of Principles. The Palestine side welcomes the progress made in this regard, especially in the field of providing economic, social and other assistance to the Palestinian people. It welcomes in particular the work of the United Nations Special Coordinator in the Occupied Territories in the field of coordinating United Nations, as well as international, assistance to the Palestinian people. It also welcomes the steps taken to move the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to the territory under the Palestinian Authority, while affirming the continuation of the valuable and important work of UNRWA in other fields of operation outside of these areas.

"The Palestinian side hopes, however, that the United Nations will be more involved in the peace process itself. In this regard, the participation of the United Nations in the steering committee of the multilateral working groups would be a normal step forward. Another step would be the participation of the United Nations in the supervision of the upcoming Palestinian elections. In general, the Palestinian side believes that there is a need for broader acceptance of the United Nations in order for it to play its natural, positive role in the historic search for peace in the Middle East. Further involvement of the Security Council would also be a very important element in the interest of the peace process.

"Finally, the Palestinian side, as it did in previous years, would like to underscore the request made by the General Assembly in resolution 49/62 D for the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter. The Palestinian side stands ready to cooperate fully with the Secretary-General to carry out those efforts in an effective and successful manner and, in the light of the changes made and the new language of the resolution, it expects the other parties to do the same."

Observations

5. The past year has seen important progress in the Middle East peace process. The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, which was signed on 28 September 1995, represented a significant step forward in the implementation of the Declaration of Principles (A/48/486-S/26560, annex). It provided a solid basis for the realization of the legitimate rights of the Palestinian people, a goal that has long been sought by the United Nations. I earnestly hope that the resolve and dedication to peace shown by Israeli and Palestinian leaders will continue to guide them through the transitional stage until a permanent settlement is reached on the basis of Security Council resolutions 242 (1967) and 338 (1973).

6. I hope that these developments, together with the ongoing implementation of the Israeli-Jordanian peace accord, will generate momentum for progress on the Israeli-Syrian and Israeli-Lebanese tracks of the Middle East peace talks,

leading to a comprehensive, just and lasting solution of the Arab-Israeli conflict.

7. The United Nations will continue to support the peace process, politically and economically, in order to reinforce what has been achieved in the course of negotiations and help build the foundations for a new post-conflict Middle East. It already participates actively in the multilateral negotiations on regional economic, security, environment, water and refugee issues. The United Nations agencies and programmes are doing their utmost to assist the Palestinian people in Gaza and the West Bank. The United Nations Special Coordinator, Mr. Terje Rod Larsen of Norway, and his Office have been instrumental in supporting and facilitating these activities, which are playing an important role in building peace. In the transitional period, he will continue to serve as a focal point for United Nations economic, social and other assistance to the Palestinians throughout the occupied territories.